

Appl. No. 09/842,767

REMARKS

Claims 1-16 are pending in this application. Claims 3 and 9 have been cancelled and the subject matter therein has been incorporated into claims 1 and 7, respectively. No new matter has been added.

1. **Rejections under 35 U.S.C. §102(b)**

The Examiner has rejected claims 1-3 and 7-9 under 35 U.S.C. §102(b) as being anticipated by Gilligan et al. (U.S. 4,099,864). The Examiner asserts that Gilligan describes a light source for a photographic printer which describes all of the claimed elements. Applicant respectfully traverses.

Applicant has amended independent claims 1 and 7 to add an additional limitation into the claims. Specifically, Applicant has incorporated the subject matter of claims 3 and 9 into the independent claims. Applicant submits that this amendment distinguishes the present invention over Gilligan. The Examiner has argued that Gilligan anticipates claims 3 and 9 because the Abstract allegedly teaches the inclusion of at least one diffuser between the radiation source (32) and the transparent plates (34). Applicant disagrees. The Abstract consists of three sentences. The only reference to a diffuser is the last sentence which states that "[t]he light diffuser which diffuses light from the lamp includes a white porcelain diffuse reflector." The Abstract makes no reference to the reference characters 32 and 34 which actually appear in Fig. 2 of Gilligan. A description of Fig. 2 may be found at columns 3-4 of Gilligan. This description indicates that light which enters the mixing chamber 16 is diffused by a circular diffuser in chamber 16. An additional diffuser plate at the bottom of chamber 16 distributes the light evenly across the negative 46. Contrary to the Examiner's assertion, Gilligan does not teach the positioning of at least one diffuser between the radiation source and the transparent plate. As such, Applicant submits that the claims as amended distinguish over Gilligan and respectfully request reconsideration and removal of the anticipation rejection.

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2. Rejections under 35 U.S.C. §103(a)

The Examiner has rejected claims 4 and 10 as unpatentable under 35 U.S.C. §103(a) over Gilligan in view of Janda et al. (US 5,041,952). The Examiner acknowledges that Gilligan does not disclose the use of a solar panel. The Examiner argues that it would have been obvious to a person of ordinary skill in the art to utilize the solar panel of Janda with the photographic light source of Gilligan to arrive at the claimed invention. Applicant respectfully traverses.

As discussed above, the Gilligan reference does not anticipate the instant invention. Gilligan fails to describe or suggest positioning at least one diffuser between the radiation source and the target plane. Although Janda may describe a control circuit for a solar-power rechargeable power source and load, Janda does not remedy the failings of Gilligan. The combination of references advanced by the Examiner simply fail to teach each and every limitation of the claims. The Gilligan and Janda references, either singly or in combination, do not render the present invention obvious. As such, claims 4 and 10 should also be found patentable over the prior art. Reconsideration and removal of the rejection is respectfully requested.

3. Allowable Subject Matter

The Examiner has indicated that claims 5-6 and 11-16 would be allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims. As discussed above, Applicant believes that the inclusion of the claim limitation set forth in original claims 3 and 9 into the independent claims 1 and 7 defines an invention which is patentable over the prior art. Accordingly, Applicant has not rewritten claims 5-6 and 11-16 in independent form.

Favorable consideration and early allowance of all of the claims is requested.

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Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Leonard R. Svensson (Reg. No. 30,330) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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